

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER ROBERT LUTE,

Plaintiff,

v.

E. SILVA, et al.,

Defendants.

Case No. 1:20-cv-01122—NODJ-CDB (PC)

**ORDER LIFTING PREVIOUSLY
IMPOSED STAY**

**ORDER DIRECTING CLERK OF THE
COURT TO ISSUE DISCOVERY AND
SCHEDULING ORDER**

Plaintiff Christopher Robert Lute is proceeding pro se and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On November 13, 2023, this Court issued its Order Referring Case to Post-Screening ADR and Staying Case for 90 Days. (Doc. 38.) The Court ordered the parties to file notice, within 45 days, indicating whether they believed an early settlement conference would be productive in this matter. (*Id.* at 2.)

On November 22, 2023, Plaintiff filed notice indicating his wish to engage in early settlement negotiations. (Doc. 42.) On December 28, 2023, Defendants filed notice indicating they did not wish to participate in an early settlement conference. (Doc. 45.)

Because all parties do not agree an early settlement conference would be productive, the Court will lift the previously imposed stay and issue a discovery and scheduling order.

CONCLUSION AND ORDER

Accordingly, **IT IS HEREBY ORDERED** that:

1. The previously imposed 90-day stay of this is action (Doc. 38) is **LIFTED**; and
2. The Clerk of the Court is **DIRECTED** to issue a discovery and scheduling order in this matter.

IT IS SO ORDERED.

Dated: **January 2, 2024**


UNITED STATES MAGISTRATE JUDGE